

State of California

M E M O R A N D U M

TO: PERSONNEL MANAGEMENT LIAISONS **DATE:** June 25, 2004
REFERENCE CODE: 2004-026

THIS MEMORANDUM SHOULD BE DISTRIBUTED TO:

Personnel Officers
Personnel Transactions Supervisors
Return-to-Work/Claims Coordinators
Health and Safety Officers

FROM: Department of Personnel Administration
Benefits Division

SUBJECT: Total Temporary Disability, Temporary Disability with
Supplementation, and Partial Temporary Disability

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This PML reviews and clarifies policy related to Total Temporary Disability (TD), Temporary Disability with Supplementation (TD/S), and Partial Temporary Disability (Wage Loss). It supersedes all previous directives and correspondence from the Department of Personnel Administration (DPA) related to administration of these benefits. Any changes made by departments pursuant to this memorandum should be done on a prospective basis.

We have attached answers to commonly asked questions about TD, TD/S, and Wage Loss including a section on permanent intermittent employees.

Total Temporary Disability (TD)

TD benefits are provided to an injured employee in accordance with California Labor Code Sections 4650-4663. An employee who is temporarily disabled from work while recovering from the effects of a work-related injury or illness may be eligible to receive TD benefits.

TD benefits will be paid during periods of total temporary disability provided the employee is ineligible for or has exhausted eligibility for Industrial Disability Leave (IDL), Enhanced Industrial Disability Leave (EIDL), or benefits provided by Labor Code Sections 4800 & 4800.5 (4800/4800.5 time).

Prior to receiving TD payments the employee must serve a "waiting period" of three-calendar days. The waiting period may begin the day following the date of injury and need not be consecutive days. Time lost on the date of injury is paid as administrative time off provided the employee was seen by a doctor or chiropractor for his or her injury. The waiting period may be waived if the employee is unable to work for more than 14-calendar days, is hospitalized as an in-patient, or the injury is the result of a criminal act of violence. The employee does not have to serve a new waiting period if the waiting period was previously served while receiving IDL, EIDL, or 4800/4800.5 time for the same work-related injury or illness.

The State Compensation Insurance Fund (SCIF) issues TD payments directly to an injured employee every two weeks. TD payments are non-taxable. The weekly TD rate is based on two-thirds of the employee's average weekly wage on the date of injury and considers any wages that he or she is anticipated or scheduled to receive during the known disability period. The weekly TD rate is subject to minimum and maximum amounts set by the Legislature. The scheduled minimum and maximum weekly TD rates are listed in the Tables & Schedules Section of the California Labor Code. There are some situations in which an employee's TD rate will be higher than his or her average weekly wage.

Departments must report all scheduled and anticipated wages (e.g., scheduled merit salary increases, shift differential, special pay, or over-time) to SCIF using the "Employer Statement of Earnings" form (SCIF 3223). To obtain a supply of the SCIF 3223, contact the SCIF office closest to your physical location. SCIF office locations and contact information is available online at www.scif.com.

An employee's eligibility for TD ends if:

- SCIF determines that the employee is no longer disabled from working based on the work-related injury or illness;
- The employee's condition becomes permanent and stationary, which means that the medical condition has reached a point of maximum improvement; or
- The employee is released or returns to work at full pay status.

An employee may appeal a decision regarding TD benefits to the Workers' Compensation Appeals Board.

Temporary Disability with Supplementation (TD/S)

California Government Code Section 19863 provides that an injured employee may be eligible to supplement the TD benefit up to an amount that approximates full salary. Any accrued leave credits can be used for supplementation purposes. Leave credits include any accumulated sick leave, compensated time off, vacation, annual leave, or holiday credit.

Departments must notify the employee of his or her eligibility for TD/S within 15 days of notice that employee's injury or illness is work related and TD benefits have been paid. The employee has 15 days from receipt of the notice of eligibility to inform the department of his or her selection.

Departments must supplement an employee's TD payments with available leave credits. An employee can choose to terminate or reduce the TD supplementation amount at any time. Any changes made will be on a prospective basis only. The effective date of any change will be the first day of the pay period following the pay period in which the change was submitted. Leave credits needed for supplementation are drawn in the following order, unless the employee specifies a different order; (1) sick leave, (2) compensated time off, (3) vacation or annual leave, or (4) other leave credits.

Supplementation pay is issued by the State Controller's Office (SCO) and is subject to all mandatory or voluntary deductions. Mandatory deductions include Federal and state taxes, Social Security/Medicare, retirement contributions, garnishments, and union dues. Tax deductions are based on the employee's current year filing status. Voluntary deductions, such as health, dental, vision, or life insurance, can also be withheld. Deductions are only made as long as the supplementation pay is sufficient to cover the amount of the deductions. Mandatory deductions have priority over voluntary deductions. See the State Controller's Office "Payroll Procedures Manual" Section E300 and California Government Code Section 19863 for additional information on supplementing TD benefits.

Continuation of Health Benefits

If an employee declines TD/S he or she is entitled to a continuation of health benefits. The employee must make arrangements with the department to direct pay any employee contribution.

In order to continue health benefits, the department is required to submit a "Payroll Adjustment Notice" form (STD 674). The STD 674 must be submitted for each pay period in which the employee elects not to supplement the TD payment. Under remarks, the STD 674 should state:

"Requesting continuation of medical benefits for employee on Temporary Disability, as required by LC 132a and Government Code 19863."

The STD 674 should be sent to the Benefits Unit within the Personnel Payroll Services Division of the SCO.

FlexElect Enrollment

If an employee chooses not to supplement the TD payment while enrolled in the FlexElect Cash Option, the cash option will remain in effect.

In order to continue the FlexElect Cash Option, the department is required to submit a STD 674. The STD 674 must be submitted for each pay period in which the employee elects not to supplement the TD payment. Under remarks, the STD 674 should state:

"Requesting continuation of FlexElect Cash Option for employee on Temporary Disability."

The STD 674 should be sent to the Benefits Unit within the Personnel Payroll Services Division of the SCO.

The employee will receive a separate check for the Cash Option, which will be issued approximately one week after the State's scheduled pay day.

If the employee is enrolled in either of the FlexElect reimbursement accounts, the account deductions will cease for as long as he or she is on TD. If the employee returns to regular pay within the FlexElect plan year, the reimbursement account deductions will resume. However, if the employee is on TD/S, these account deductions will resume only if the supplementation income is sufficient to cover them.

Partial Temporary Disability (Wage Loss)

An injured employee, who has been medically released to return to work but continues to miss hours, may qualify for partial temporary disability payments, also known as wage loss (See California Labor Code Sections 4654 and 4657). Wage loss payments are calculated by SCIF on a weekly basis. The employee is entitled to receive two-thirds of the weekly loss of wages if the gross wage (based upon the actual hours worked) is less than the normal gross wage and falls below the employee's TD weekly rate in any calendar week. These payments are issued to the employee by SCIF every two weeks during the period of partial temporary disability.

Additional questions regarding TD, TD/S, or Wage Loss should be directed as follows:

- For questions regarding laws and rules, the role of SCIF related to benefit provision, or to resolve complex personnel issues related to TD, TD/S, or Wage Loss contact Shelby Wineinger, DPA Workers' Compensation Program, at (916) 445-9760 or by email at shelbywineinger@dpa.ca.gov.
- For Disability Payroll Processing questions, contact the Disability Liaison Unit at the State Controller's Office at (916) 322-3619 or CALNET 492-3619.

Sincerely,

Debbie Ensley, Chief
Benefits Division

Attachment

QUESTIONS AND ANSWERS ABOUT TD, TD/S, AND Wage Loss

A. TD Time Calculation and Eligibility Determination

1. Does lost time on the date of injury count towards the three-calendar-day waiting period?

No. Lost time on the date of injury should be paid as administrative time off (ATO), provided medical documentation is received. The date of injury is not considered the first day of disability for counting time towards the waiting period. Each calendar-day of disability following the date of injury is counted towards the waiting period regardless of whether the injured employee is totally temporarily disabled or partial temporarily disabled.

2. Is the time used on the date of injury picked up as ATO only after the workers' compensation claim is approved?

No. This time is ATO even if the claim is not approved for workers' compensation benefits. ATO is paid provided medical documentation is received verifying the employee was seen by a doctor or chiropractor on the date of injury.

3. Can the date of injury occur after the TD effective date?

Yes. In cases of cumulative trauma where the date of injury can't be determined, SCIF designates the date of injury as the date the "Application of Adjudication" or the date the "Employee Claim for Workers' Compensation Benefits" form is filed. When the first notice of injury is a "Doctor's First Report", the date of examination will be used as the date of injury. In most of these cases, the TD effective date would be prior to the designated injury date.

B. **Special Pay Provisions**

1. Is an injured employee entitled to receive a separate check from his or her department for special pay when he or she is on TD?

No. Special pay (e.g., merit salary adjustment, shift differential, diving pay, or over-time) that is anticipated or scheduled to occur during the injured employee's known disability period is included in SCIF's calculation of his or her average weekly wages. This weekly wage is used to determine the weekly TD rate. Refer to Section 16 of the Pay Scales or Section G of the "Payroll Procedure Manual" for additional information on special pay.

2. How is an injured employee compensated for holidays while receiving TD or wage loss?

An injured employee earns holiday credit for all holidays that occur in the pay period while off on TD. The injured employee is entitled to use the holiday credit for supplementation or the credit can be carried on the books.

If the injured employee has been returned to work and continues to miss hours from work, which may entitle him or her to wage loss, then he or she will receive compensation for the holiday(s) in the pay period as regular pay. Consult the specific provisions of each memorandum of understanding (MOU) regarding treatment of holiday credit.

3. Does an injured employee continue to make retirement contributions and earn full retirement credit while receiving TD?

SCIF doesn't deduct an injured employee's retirement contributions from his or her TD payment. If an injured employee wishes to make arrangements to pay his or her retirement contribution then he or she will need to contact California Public Employee's Retirement System (CalPERS).

If an injured employee has elected to supplement his or her TD payment then the retirement contribution will be deducted from supplementation pay based only upon the amount issued as supplementation. The amount of retirement contribution deducted from supplementation pay will not cover the injured employee's full retirement contribution. The injured employee will need to contact CalPERS if he or she wishes to make arrangements to pay the difference.

Retirement credits are earned based on the amount of retirement contributions the injured employee has paid to CalPERS.

4. How are absences tracked for an injured employee who doesn't qualify for Industrial Disability Leave, but falls within Work Week Group E and SE and who is exempt from the Fair Labor Standards Act (FLSA)?

Under the provisions of the FLSA, disability leave is a situation when an E or SE employee is required to track partial day absences. All lost time, including partial days of absence, must be tracked on the injured employee's timesheet. Lost time during the delay period needs to be charged to the injured employee's leave credits. If the claim is accepted and SCIF pays TD benefits, you should restore leave credits used for absences and if required establish an account receivable. You also need to provide the injured employee the option to supplement his or her TD

payment with available leave credits. Refer to PML 95-023 for more information regarding employees exempt from FLSA.

C. **Coordination with Other Benefits**

1. If an employee is injured prior to becoming a CalPERS member and becomes a member while on TD, can he or she elect to go on IDL?

No. The injured employee must remain on TD for the duration of the disability because he or she was not eligible for IDL on the date of injury.

2. Can an injured employee who is permanent and stationary (P&S) and has returned to full-time work with a PD rating use TD for isolated days of physical therapy?

No. Once an employee is P&S, has been released to return to work, or is returned to work he or she is no longer eligible to receive TD for the same injury.

3. Is it possible for an injured employee to receive TD and Non-Industrial Disability Insurance (NDI) benefits on the same date assuming that he or she qualifies for both benefits?

Yes. If the NDI benefit is greater than the TD benefit that the injured employee is due for the day, then he or she receives TD and the balance due for NDI. Example: the TD benefit is \$10 and the NDI benefit is \$19; the injured employee receives \$10 TD and \$9 NDI.

4. Can an injured employee take bereavement leave while on TD?

Yes. An injured employee is entitled to bereavement leave while on TD. The appropriate substantiation for the bereavement leave must be submitted to the department and kept for auditing purposes. Bereavement Leave is not an earned leave (such as holiday credit) to be used for supplementation purposes. It is a benefit to be used if it meets the criteria as set forth in the MOU. Therefore, bereavement leave should be issued as regular pay.

If the injured employee is supplementing his or her TD payment, then supplementation would stop during the time period that he or she is eligible for bereavement leave. Bereavement leave would be used to provide the injured employee full pay for the period in which he or she was both temporarily disabled and also eligible for bereavement leave. SCIF will continue to issue the TD payment directly to the injured employee. The bereavement leave payment is issued by SCO as regular pay for the appropriate number of hours needed to provide the injured employee full pay. The total amount of TD and bereavement leave combined is not to exceed the injured employee's full pay.

5. Is an injured employee eligible for catastrophic leave while waiting for TD to be approved or for supplementation of TD?

Yes. An injured employee may be eligible for a department's catastrophic leave program if the nature of the illness or injury otherwise meets the criteria established by the department for catastrophic leave. Please check the injured employee's MOU and your department's Catastrophic Time Bank policy.

6. If an injured employee is off on TD and is eligible for a Merit Salary Adjustment (MSA), should the supervisor approve the pay increase?

Yes. An injured employee should receive the MSA, unless there is pre-existing documentation history supporting performance problems prior to the injury.

7. Can an injured employee attend jury duty while on TD?

Yes. If the injured employee's medical restrictions don't preclude participation in jury duty then he or she is able to attend. Should the injured employee serve on jury duty, he or she must remit the jury duty fees to the department for each day served while receiving TD payments. If the injured employee fails to remit the jury duty fees, then he or she may be overpaid TD or TD/S resulting in an accounts receivable with SCIF or the department.

8. Is an injured employee entitled to receive credit for informal time off granted by the governor while on TD?

Yes. The injured employee is entitled to the number of hours granted. These hours can be used as supplementation or as time off when he or she returns to work. The time is not lost nor can it be compensated upon separation from State service.

9. How would an abatement occur while an injured employee is receiving TD?

Section 19863 of the California Government Code prohibits payment in excess of an employee's full salary or wage. Abatement occurs when an injured employee receives full salary but SCIF pays TD for weekends. The department must collect the overpayment from the injured employee.

10. How do you calculate the number of Personal Leave Program (PLP) credits an injured employee is to earn when he or she is temporarily disabled for all or part of the pay period?

An injured employee who is on TD, Industrial Disability Leave, or Labor Code 4800/4800.5 time for the entire pay period is excluded from the PLP regardless of whether or not he or she supplements his or her disability payment.

An injured employee who is on disability for a partial month, or working while on disability regardless of whether or not he or she is supplementing, is included in the PLP for all time not covered by the disability or supplementation. This means that the injured employee will receive the unreduced salary for any period of disability, including supplementation, during the pay period with the remaining days being paid at the reduced rate and will receive a prorated amount of PLP credit up to eight hours. Use the intermittent chart located in PML 2003-046 to credit an injured employee with a prorated amount of PLP credit.

E. Discipline, Layoff, and Denial of TD Benefits

1. If an injured employee demotes during the disability period, does his or her weekly TD rate get adjusted to reflect the new salary?

California Labor Code Section 4453 requires benefits to be paid at the same rate throughout the duration of the injured employee's temporary disability period. (See Grossmont Hospital V. Workers' Compensation Appeals Board (1997))

The only exception is made for true seasonal workers who are entitled to a "two-tier" TD rate. One TD in-season rate based on the injured employee's earning capacity and a second off-season rate based on his or her off-season earning capacity. For injuries occurring on or after January 1, 2003, all seasonal workers would be paid the minimum TD rate of \$126 per week during off-season periods. (See Jimenez v. San Joaquin Valley Labor, et al. (2002))

Weekly TD rates are recalculated, if an injured employee is eligible to receive TD payments two or more years after the date of

disability. The weekly TD rates reflect the rates that are in effect two years after the date of disability are calculated using the injured employee's date of injury salary.

2. Is an injured employee who is suspended or terminated because of an adverse action that is unrelated to his or her workers' compensation claim entitled to TD during the suspension or after termination?

Yes. An injured employee who is suspended while on TD should continue to receive TD without supplementation during the period of the suspension.

3. How is an injured employee on TD to be treated if they are subject to layoff based on seniority?

An injured employee on TD is subject to the same procedures as any other employee during a layoff. An injured employee on TD should be noticed at the same time as other employees and advised of his or her employment options. TD/S continues up until the actual date of layoff, after which the injured employee is only entitled to TD without supplementation.

F. Permanent Intermittent (PI) Employees

1. How do you calculate a permanent intermittent (PI) employee's average hours worked?

If the PI employee is scheduled to work in the future, the department should compensate him or her for what he or she was scheduled to work. If the PI employee was not scheduled to work in the future, the department should use the average number of hours worked each month for the last 12 months. If the PI employee worked less than 12 pay periods, use the number of pay periods available to find an average as follows:

- a. Total the hours of all intermittent time paid for the previous 12 pay periods or pay periods available. Divide the total hours by the applicable number of pay periods to determine the average hours of pay each month.

Example: $1500 \text{ hours} \div 12 \text{ pay periods} = 125 \text{ average hours}$

Or

$960 \text{ hours} \div 6 \text{ pay periods} = 160 \text{ average hours}$

- b. During the previous 12 pay periods, the PI employee worked a total of 1025 hours. However, the PI employee was furloughed and there were no hours worked during May, June, and July of this period.

Example: $1025 \div 9 = 114 \text{ average hours}$

If the PI employee is on a set schedule, do not go back 12 pay periods. Pay the PI employee based on what he or she was scheduled to work.

- c. If the PI employee's current time base is intermittent but the previous pay periods worked were on a full-time or part-time basis, convert the full or part-time pay periods to hours on the basis of 173.33 hours for full-time or the part-time fraction of 173.33 hours for each pay period. Add these numbers to determine hours worked and divide by the applicable number of pay periods to arrive at the average hours of pay each month.

If the PI employee's time base is indeterminate, the payment is based on the appointment agreement or an intermittent time base.

2. How is TD calculated for a PI employee with a variable work schedule?

If the PI employee is not on a set schedule, apply the Intermittent IDL formula per Payroll Procedures Manual Section E409 to compute the average number of hours. You then multiply the average number of hours by the PI employee's hourly wage to determine his or her average monthly gross.

To substantiate the TD daily rate, the SCIF TD check is divided by the number of inclusive (approved) dates listed on the copy of the check. Then multiply the daily rate by the number of authorized days in the pay period to determine the TD payment for the pay period.

If the PI employee chooses full supplementation, the TD payment is subtracted from his or her average monthly gross. The difference can be supplemented to equal no more than the PI employee's established average monthly gross (average hours X hourly rate -TD payment = Supplementation Gross). The supplementation gross is then divided by the PI employee's hourly rate to determine the amount of leave credits to charge.

Example: 140 (average hours) x \$20.00 (hourly rate) = \$2,800.00 (average monthly gross).

SCIF approved TD for 4/1/2003 - 4/30/2003 = 30 days

SCIF TD daily rate = \$86.00

\$86.00 X 30 approved days = \$2,580.00

PI employee would have earned \$2,800.00
SCIF paid \$2,580.00
Difference \$ 220.00 (supplementation gross)

\$220.00 (supplementation gross) ÷ \$20.00 (hourly rate) = 11 hours of leave credits must be charged to achieve full supplementation.

3. How many hours should a PI employee be credited or paid if he or she is on TD?

The PI employee should, at a minimum, be credited with the established average number of hours. If the PI employee elected to supplement his or her TD payments, then he or she should also be credited with the hours used for supplementation. The total number of hours credited should not exceed the maximum necessary to qualify a pay period (160 hours). The total of the average number of hours and the supplementation hours must not exceed 160.

The California Leave Accounting System (CLAS) will offset automatically and will not post more than the 160 hours necessary to qualify the pay period. If your department doesn't utilize CLAS, then you may have to manually adjust the hours to ensure that no more than a total of 160 hours is posted.

4. If a department calculated average hours for TD by going back 12 months and the PI employee worked some time in the current month, can the combined regular pay and TD exceed the average?

Yes. Time actually worked in the current month does not affect the average past hours calculated for the TD payment. The average number of hours in a month can be exceeded in a month in which the PI employee physically worked and is entitled to TD.

Example:

The PI employee's average number of hours is determined to be 125 hours a month. The first five days of the month, the PI employee worked 40 hours. The PI employee is paid TD for the last 17 work days of the month. Average hours per day are 6 hours; 6 hours X 17 days = 102 hours. The 102 hours plus the 40 hours worked exceeds the 125-hour average.

The total hours can only exceed the average if a PI employee is working and on TD during the same pay period.

5. If the PI employee is converted to TD after reaching the maximum IDL allotment (not furloughed and/or not at the 1500 hours), is he or she entitled to TD with supplementation?

Yes. Continue to use the average number of hours used to compensate the PI employee each month, then convert the TD supplementation payment to what it equals as hours. Supplementation can then be requested to achieve the average hours.

Example:

The PI employee is absent on TD the entire month of August 1999 (8/1 through 8/31). The department computes the PI employee's average hours at 140 hours per month. The PI employee receives a TD payment of \$70 per day for 31 calendar days, for a total of \$2,170. The PI employee's hourly rate is \$23.50 per hour.

Step A - Compute what the PI employee would have earned if not injured.

$$\$23.50 \times 140 \text{ hours} = \$3,290$$

Step B - Compute what the PI employee would need to supplement in order to equal the average.

| | |
|---------------|--|
| \$3,290 | Average earnings |
| <u>-2,170</u> | TD Payment |
| \$1,120 | The difference can be supplemented with available leave credits. |

6. If a PI employee has been off on TD, then returns to work and suffers a new injury, should the time on TD be included when calculating a 12-month average?

Yes. Both regular time paid and TD should be used to calculate the average.

7. When a PI employee is approved for TD and has received NDI during some of the preceding 12 months being used to calculate the average hours, how do you calculate the average hours?

You only add the hours worked and divide the total by the number of months in which the injured employee physically worked. Disregard the months the injured employee was on NDI.

For example, an injured employee was on NDI from 10/02 through 3/03. He or she was industrially injured in 10/03. Twelve months back is 10/02 through 9/03. We add the hours physically worked for 4/03 through 9/03 and divide by six, which is the number of months worked.

8. A PI employee is given a release to return to modified work for four hours a day. Should he or she be scheduled to work his or her regular shift or only a four-hour shift?

The PI employee should be scheduled as though the work-related injury or illness had not occurred if modified work is available. However, the PI employee must not work in excess of the number of hours approved by the doctor.

Example: The PI employee would have normally been scheduled to work four hours per day had the injury not occurred. The PI employee is released to return to work for six hours per day. The PI employee will work only four hours per day as his or her normal schedule dictates, regardless of the doctor's note releasing him or her to six hours of work.

The intent of workers compensation is to not disadvantage an injured employee due to his or her work-related injury or illness or to give him or her undue advantage.

9. For a PI employee, does TD count toward length of service, sick leave, annual leave, and vacation accrual?

Yes. If the PI employee is receiving TD payment during a period of time he or she would have been scheduled for work (e.g., in-season) then TD counts towards his or her length of service, sick leave, annual leave, and vacation accrual.

10. If you start paying a PI employee based on the 12-month average or projected number of hours that he or she would be working in the future, do you have to continue paying in that manner through the life of the claim?

TD needs to be paid in the same way (12-month average or projected hours) through the life of a claim.

For example, a PI employee may want you to pay them based on the 12-month average after his or her hours are cut because they receive less compensation using the projected hours.

TD payment should be based upon the PI employee's earning potential when he or she was injured.

11. When a holiday occurs in the pay period, how should the holiday credit be added for a PI employee or an injured employee on actual time worked?

First determine the period of time the injured employee's TD payment covered. This information is located on the check copy that you receive from SCIF. Multiply the number of work days covered by the TD payment less the holiday by the number of hours credited to the injured employee per day. The credited hours are based on your calculation of the injured employee's average hours per month. This calculation will provide you the number of compensable hours covered by the TD payment. Use the compensated hours to determine the injured employee's holiday credit in accordance with the table below:

| Hours on Pay Status During Pay Period* | Holiday Pay in Hours For Each Holiday |
|---|--|
| 0 - 10.9 | 0 |
| 11 - 30.9 | 1 |
| 31 - 50.9 | 2 |
| 51 - 70.9 | 3 |
| 71 - 90.9 | 4 |
| 91 - 110.9 | 5 |
| 111 - 130.9 | 6 |
| 131 - 150.9 | 7 |
| 151 or over | 8 |

*Exclusive of holiday hours not actually worked.

For a PI employee, the holiday credit should be added to the hours worked or average hours worked in the last 12 pay periods. For actual time worked employees, the holiday should be counted as one of the 194 working days.

If the injured employee received TD and regular pay during the pay period, calculate the compensated hours covered by the TD payment as stated above and add to number of hours compensated for regular pay. Use the total compensated hours to determine the injured employee's holiday credit in accordance with the above table.

Example:

For the September 2004 pay period, SCIF paid the employee for the period 9/1/04 through 9/5/04. A holiday fell on 9/1/04. Five work days less the holiday equals 4 work days. If you credit the injured employee 6 hours a day, you would multiply 4 work days times 6 hours which is 24 compensated hours. The injured employee received regular pay from 9/6/04 through 9/30/04 and was compensated for 102 hours. Twenty-four hours (TD) plus 102 hours (regular pay) equals 126 compensated hours for pay period. Based on the table the injured employee would be credited 6 hours for the holiday.

Once the injured employee's average hours per month are identified or he or she already has a pre-designated work schedule then the holiday hours credited are based upon the established average hours per month. The credited hours can be used towards supplementation.